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MEMO ENDORSED.

August 25, 2023

BY ECF

Hon. Ona T. Wang
500 Pearl Street
New York, New York 10007

**Re: *SS&C Technologies Holdings, Inc. and Advent Software Inc. v. Arcesium LLC*,
No. 1:22-cv-02009-TMR-OTW – Letter Motion to Seal**

Dear Judge Wang:

Plaintiffs/Counterclaim-Defendants SS&C Technologies Holdings, Inc. and Advent Software, Inc. (collectively, “SS&C”) and Defendant/Counterclaim-Plaintiff Arcesium LLC (collectively, the “Parties”), jointly and respectfully submit this request to redact certain portions of the joint status letter.

While a presumption of public access applies to judicial documents, *e.g.*, documents relevant to the performance of the judicial function and useful in the judicial process, the weight of the presumption is “governed by the role of the material at issue” and the resulting value of such information to the public. *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119 (2d Cir. 2006). Courts must also balance against the weight of the presumption of any countervailing factors such as “the privacy interests of those resisting disclosure,” *id.* at 120, including “the degree to which the subject matter is traditionally considered private rather than public” and the “nature and degree of injury” resulting from disclosure. *United States v. Amodeo*, 71 F.3d 1044, 1051 (2d Cir. 1995).

The joint status letter contains references to testimony about the Geneva trade secrets and to documents that SS&C has designated “highly confidential—outside counsel and experts’ eyes only.” This type of information is regularly deemed protected because disclosure “might harm a litigant’s competitive standing.” *In re Parmalat Sec. Litig.*, 258 F.R.D. 236, 244 (S.D.N.Y. 2009) (quoting *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978)); *Dodona I, LLC v. Goldman, Sachs & Co.*, 119 F. Supp. 3d 152, 155 (S.D.N.Y. 2015). This Court has granted similar sealing requests. *E.g.*, ECF No. 189.

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August 25, 2023

Accordingly, the Parties respectfully submit this request to redact the joint status letter and to file the unredacted version of the joint status letter under seal.

Respectfully submitted,

/s/ Stephen Fishbein

Stephen Fishbein

cc: Counsel of record for Arcesium (via ECF)

Application **GRANTED**.

SO ORDERED.



Ona T. Wang
U.S.M.J.

10/18/23